

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVER VICTORY TECHNOLOGY
LIMITED,

Plaintiff,

19-CV-486 (JPO)

-v-

ORDER

SAS GROUP, INC.,

Defendant.

J. PAUL OETKEN, District Judge:

Defendant moved for summary judgment of non-infringement and filed its memorandum of law in support of its motion on February 7, 2022. (Dkt. Nos. 79, 80.) Plaintiff then cross-moved for summary judgment of patent infringement on February 18, 2022. (Dkt. No. 85.) When there are cross-motions for summary judgment addressing the same or overlapping issues, the Court requires that the briefing be *seriatim* rather than simultaneous, as follows:

- Party A shall file its opening brief in support of its motion for summary judgment;
- Party B shall file a single brief in opposition to Party A's motion for summary judgment and in support of its own cross-motion for summary judgment;
- Party A shall file a single reply brief both in support of its motion for summary judgment and in opposition to Party B's cross-motion for summary judgment;
- Party B shall file its reply brief in support of its motion for summary judgment.

Individual Rule 3(E)(iv).

Following the Court's individual rules should result in four total briefs. Yet there are six total briefs that are not directly responsive to each other here because Plaintiff, after cross-moving for summary judgment, filed a memorandum in support of its cross-motion (Dkt. No. 87) and later filed a separate memorandum in opposition to Defendant's motion (Dkt. No. 93).

Defendant then filed a memorandum in opposition to Plaintiff's motion. (Dkt. No. 90.) Lastly, both parties filed reply memoranda in support of their respective motions. (Dkt. No. 96, 97.)

The Court therefore denies the parties' motions without prejudice and directs them to confer on a briefing schedule that is consistent with the Court's individual rules. The parties shall submit their briefing schedule to the Court by June 1, 2022.

The Clerk of Court is directed to close the motions at Docket Numbers 78 and 85.

SO ORDERED.

Dated: May 17, 2022
New York, New York



J. PAUL OETKEN
United States District Judge